WP(C) 5550/2001
BEFORE
THE HON'BLE MR JUSTICE T.N.K. SINGH
Sri Paban Chetia
Son of Mohi Chetia
Resident of Vill Gala Pukhuri
P.O. and P.S. Tinsukia
Dist. Tinsukia, Assam.

Petitioner

VERSUS

1.The State of Assam
Represented by the Secretary
To the State Transport Authority
Assam, Guwahati 5.

2.The Chairman
Regional Transport Authority
Tinsukia, Assam.

3.The Deputy Commissioner
Tinsukia , Dist. Tinsukia, Assam

4.The District Transport Officer
Tinsukia

Respondents.

For the Petitioner : Mr. D.C.Borah
Advocate

For the Respondents. : AC Buragohain.
Advocate.

Date of hearing & Judgment : 5/2/2007

JUDGMENT AND ORDER(ORAL)

1. By this writ petition the petitioner has prayed for a direction to the respondents , more particularly , respondent No.1, Secretary to the State Transport Authority, Assam, Guwahati to consider and dispose of the application filed by the petitioner dated 14.6.2001 for granting of Agent License under Section 93(1)(i) of the MV Act, 1988 for selling Tickets of Blue Hill Travels (India) Ltd at Tinsukia.

2. The concise fact of the petitioner's case is that the said Blue Hill Travels (India) Ltd was established in 1994. By an order of the Secretary State Transport Authority, Assam dated 12.5.94, one Sri Pranab Kr. Adhikari was allowed to sale tickets of Blue Hill Travels at Tinsukia till the report from Deputy Commissioner, Tinsukia or the District Transport Officer, Tinsukia is received. In pursuance of the said order dated 12.5.1994, Sri Pranab Kr. Adhikari continued to sale the tickets for Blue Hills Travels at Tinsukia till 10.5.2000. The petitioner has been continuing to sale the tickets of the Blue Hills Travels

at Tinsukia in place of said Sri Pranab Kr Adhikari and also for regularization his selling business of Blue Hills Tickets at Tinsukia he approached the Secretary to the State Transport Authority-respondent No.1 by filing an application dated 14.6.2001 for grant of Agent License under Section 93-I(i) of the M.V. Act, 1988. Despite of repeated requests from the side of the petitioner, the aforesaid authority i.e respondent No.2 did not taken up any tangible action and ultimately finding no other alternative, the petitioner has approached this court by way of filing the present writ petition.

3. By an interim order dated 10.8.2001, the respondents had been directed not to disturb the petitioner in the conduct of his business of selling tickets as an Agent of Blue Hill Travels at Tinsukia until further orders. Even after the above order was passed, the respondents did not file any application for modification and/or alteration against the interim order dated 10.8.2001.

4. Taking into consideration of the peculiar facts and circumstances of the case, this Court is of the considered view that it would be just and proper to dispose of the writ petition with a direction to the Secretary to the State Transport Authority-respondent No.1 to consider and dispose of the application dated 14.6.2001 filed by the petitioner for grant of Agent License under Section 93(1) (i) of the M.V.Act, 1988 as expeditiously as possible, preferably within a period of 4 months from the date of receipt of this judgment and order.

5. It is made clear that till the application of the petitioner dated 14.6.2001 is disposed of by the said authority, the petitioner should not be disturbed in selling Blue Hills Tickets at Tinsukia.

6. The writ petition is allowed to the extent mentioned above.